

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:07cv394**

**TWO MEN AND A TRUCK ®/
INTERNATIONAL, INC., a Michigan
corporation,**

Plaintiff,

Vs.

**CLETE, INC, a North Carolina
corporation d/b/a TRUCK AND
TWO GUYS MOVING; and BRUCE
HENSLEY, an individual, jointly and
severally,**

Defendants.

ORDER

THIS MATTER is before the court on plaintiff's *Ex Parte* Motion for Service of Order, made in accordance with Rule 5(a), Federal Rules of Civil Procedure. Review of the motion reveals that no proof of service of the Orders of this court appears in the record, that such Orders are of an injunctive nature requiring defendant to comply, that failure to comply could result in the imposition of sanctions which may include but are not limited to civil contempt, that plaintiff has previously used best efforts and due diligence in attempting to effectuate service upon the defendants, but that defendants frustrated service in such a manner as to make service by a private

process server impossible.

Finding that good and adequate cause has been shown, the court will grant the request and direct that the United States Marshal serve defendants herein *true teste* copies of docket entries #15, #18, #19, and this Order. If there are costs for service of such Orders, plaintiff shall bear all such costs.

ORDER

IT IS, THEREFORE, ORDERED that

- (1) plaintiff's Ex Parte Motion for Service of Order (#20) is **GRANTED**, and the United States Marshal is respectfully directed to serve upon defendant Bruce Hensley both individually and as agent for defendant Clete, Inc., *true teste* copies of docket entries #15, #18, #19, and this Order. The United States Marshal shall make its return to this court indicating the date of service of defendants;
- (2) counsel for plaintiff shall make immediate contact with Supervising Deputy Lee Banks, United States Marshal Service, and provide the Marshal with whatever information he may need; and
- (3) the Clerk of this court is respectfully instructed to deliver *true teste* copies of docket entries #15, #18, #19, and this Order to the United States Marshal for service.

Signed: September 3, 2008

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

